THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19730 OF 2005

Dated 13th September 2005

Between:

Smt.Sutha Keerthi W/o.S.Sivasambagiri Rao,

Aged 50 years, Occu:Business,

R/o.Etukuru Post, Guntur Mandal,

Guntur District.

…Petitioner

And

Joint Transport Commissioner & Secretary,

Regional Transport Authority, Khairatabad, Hyderabad

& others

…Respondents

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WRIT PETITION NO.19730 OF 2005

O R D E R:

This writ petition demonstrates the manner in which the transport operators in the State are taking the Transport Department and the traveling public, for a ride. The *modus operandi* shocks the conscious of the people, and in fact, it resembles that of a mafia gang.

A bus with Registration No.AP-7X-9999 was granted permission, to operate

as a contract carriage. The husband of the petitioner is the owner of that vehicle. The petitioner purchased a bus bearing No.KA-17B-5763. As if to exhibit her oneness with her husband, she displayed the number of the vehicle of her husband, *viz.* AP-7X-9999, on the vehicle purchased by her, and started plying it, as a contract carriage, without obtaining any permit. While the vehicle owned by her husband is under the name "Govind", the one purchased by the petitioner is described, as "Deepika". On receiving credible information, the Transport Authorities conducted a check. While the genuine vehicle, with No.AP-7X-9999 was seized at Ameerpet, the one with fake description, owned by the petitioner, was seized at a different place, at Hyderabad. Through the vehicle check report, dated 11.7.2005, the vehicle belonging to her husband was released, whereas, the vehicle owned by the petitioner, is still under seizure. Petitioner challenges the same.

Learned counsel for the petitioner submits that both the vehicles were given to a contractor, who in turn, had resorted to the change of number plate, with a view to attend to the heavy rush, on account of the railway accident, which has taken place at Warangal. Several factual and legal grounds are also urged.

In the counter affidavit filed by the respondents, the entire episode is described. It is stated that the change of number plate on the vehicle was resorted to, only with a view to avoid tax and other liabilities. Learned Government Pleader for Transport submits that the nature of violation, committed by the petitioner, is such that she does not deserve any indulgence of the Court.

A perusal of the vehicle check report discloses that the engine and chassis number of the seized vehicle, corresponds to the registration No.KA-17B-5763, whereas the number displayed on the vehicle, belongs to different one. The petitioner would be issued a notice, in due course, under the provisions of the Motor Vehicles Act, and the Rules made thereunder, and the nature of orders to be passed thereon, would depend upon the outcome of the same. This Court cannot record any finding, as to the complicity of the petitioner, or the punishment to be imposed upon her, at this stage.

The vehicle is in custody of the respondents, for the past two months. It is not

as if the department would be benefited in any manner. On the other hand, the vehicle is exposed to several vagaries. This Court is of the opinion that the interests of both the parties can be protected, by directing release of the vehicle, subject to certain conditions.

The writ petition is accordingly disposed of, directing that;

a. the vehicle seized from the petitioner, with Registration No.KA-17B-5763, with a wrong display of number plate as AP-7X-9999, shall be released to her, on depositing a sum of Rs.30,000/- (thirty thousand only) and furnishing an undertaking that she shall not alienate the same, till the completion of the enquiry, and would produce it, as and when required;

b. the petitioner shall not be entitled to operate the vehicle on routes, except by obtaining proper permission from the competent authority; and

c. the petitioner shall produce the vehicle on every Wednesday and Saturday, before the R.T.A., Guntur. In case, the vehicle is on route on any Wednesday or Saturday, the fact shall be reported by the petitioner to the R.T.A.

There shall be no order as to costs.

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13th September 2005

Note: Issue C.C. by tomorrow.

(B/o)

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